

***** MINUTES OF THE
CITY PLANNING COMMISSION
J. MARTIN GRIESEL CONFERENCE ROOM**

**August 5, 2005
9:00AM**

CALL TO ORDER

Mr. Faux called the meeting to order at 9:25 am.

Commission Members:

Present: Mr. Faux, Ms. Hankner, Ms. Holston, Ms. McCray, Mr. Paddock and Mr. Tarbell

Members Absent: Ms. Lemmie and Mr. Mooney

Community Development and Planning Staff:

Margaret Wuerstle, Renee Christon, Katherine Keough-Jurs, Steve Briggs, Caroline Kellem and Jennifer Walke

Members Absent: Ms. Lemmie and Mr. Mooney

Law Department:

Dotty Carmen, Julia Carney

APPROVAL OF MINUTES

Submission of the minutes from July 15, 2005 Planning Commission meeting for approval.

Motion:	Ms. Hankner motioned approval of minutes.
Second:	Mr. Tarbell
Ayes:	Mr. Faux, Ms. Hankner, Ms. Holston, Ms. McCray, Mr. Paddock and Mr. Tarbell
Nays:	None, motion carried

Submission of the minutes from Special Meeting June 23, 2005 Planning Commission meeting for approval.

Motion:	Ms. Hankner motioned approval of minutes.
Second:	Mr. Tarbell
Ayes:	Mr. Faux, Ms. Hankner, Ms. Holston, Ms. McCray, Mr. Paddock and Mr. Tarbell
Nays:	None, motion carried

CONSENT ITEMS

ITEM #1 A report and recommendation on an ordinance authorizing the sale of 218-222 Mulberry Street, which real property is no longer needed for any municipal purpose.

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Note: Individuals with disabilities requiring special accommodations to participate in or attend this meeting should call the Community Development and Planning Department at 352-4889 seven days prior to the meeting.

--FOR ADDITIONAL INFORMATION ON ANY AGENDA ITEM, PLEASE CALL 352-4889 or
Check the City Website: www.cincinnati-oh.gov

- ITEM #2** A report and recommendation on an ordinance authorizing the sale of 145 Goethe Street, which real property is no longer needed for any municipal purpose.
- ITEM #3** A report and recommendation on an ordinance authorizing the sale of 170 Goethe Street, which real property is no longer needed for any municipal purpose.
- ITEM #4** A report and recommendation on an ordinance for the sale of 1743 Sycamore Street which real property is no longer needed for any municipal purpose.
- ITEM #5** A report and recommendation on the release of a sewer easement and two water main easements in the City West North Phase I and II Lincoln Court North Subdivisions to Cincinnati Metropolitan Housing Authority

Motion: Ms. McCray motioned approval of Consent Items #1 - 5
Second: Mr. Tarbell
Ayes: Mr. Faux, Ms. Hankner, Ms. Holston, Ms. McCray, Mr. Paddock and Mr. Tarbell
Nays: None, **motion carried**

DISCUSSION

- ITEM #6** A report and recommendation on a zoning study of the commercial zoning districts at the intersection of Paxton Avenue and Wasson Road in Hyde Park and Oakley.

Katherine Keough-Jurs, Senior City Planner, presented this item.

PURPOSE: To determine the most appropriate zoning designations for the commercial properties at this intersection, considering CN-P Commercial Neighborhood - Pedestrian, CN-M Commercial Neighborhood - Mixed, and CC-P Commercial Community - Pedestrian in place of current auto-oriented zoning.

BACKGROUND:

On May 25, 2005, Councilmembers Monzel and Malone sponsored a motion instructing the Department of Community Development and Planning to conduct a zoning study of the commercial zones at the intersection of Paxton Avenue and Wasson Road, which spans the neighborhoods of Hyde Park and Oakley. The goal of the study was to change the current zoning to CN-P, CN-M, CC-P, or whatever designation is most appropriate in order to protect this area and assure that the zoning is compatible with the surrounding neighborhood.

EXISTING CONDITIONS:

The study area included all commercially zoned property near the intersection of Paxton Avenue and Wasson Road. Specifically, the CN-P district along Wasson Road from Monteith Avenue to Drakewood Drive; the CC-P district at the actual intersection; the CC-A Commercial Community – Auto district at the intersection of Paxton Avenue and Isabella Avenue; the OL Office Limited district on Paxton Avenue between Mt. Vernon Avenue and Ferdinand Place; and the CG-A Commercial General – Auto district that covers the Hyde Park Plaza. For exact boundaries, please see the attached Staff Conference Map.

The zoning districts in the study area are surrounded primarily by residential uses, specifically SF-4 Residential Single Family; SF-6 Residential Single Family; RM 2.0 Residential Multi-Family; RMX Residential Mix; PD Planned Development for the Drexel apartment complex; and ML Manufacturing Limited.

PLANS:

There are several active Plans for the Oakley Community, but none that encompass or make reference to this area. The Hyde Park Plan (1983) does not include recommendations for this area.

PUBLIC COMMENT:

A public Staff Conference was held on July 7, 2005. At the Staff Conference, residents and property owners in attendance voiced their concerns about the increasing amount of commercial activity in this area. Specifically, with the addition of the Kroger gas station, the Chipotle restaurant, and the expansion of R.P. McMurphy's bar, there has been an increase in the levels of noise and traffic and parking congestion. Those who live in homes on the surrounding residential streets felt that unchecked commercial development could do irreparable harm to their quality of life and property values.

In order to protect these residential areas, six zoning changes were suggested at that meeting:

1. Along Wasson Road between Paxton Avenue and Eastern Hills Lane, move the district boundary line from the south side of the railroad property to the street centerline of Wasson Road by changing the CG-A abutting the rear of the residential properties along the north side of Portsmouth to SF-6 and changing the ML abutting the rear of the residential properties along the north side of Portsmouth to SF-6 to the center of Wasson Road.

This was suggested to prevent future commercial development from abutting the residential properties on Portsmouth Avenue. Current zoning permits almost any type of business use including vehicle sales and repair, car washes, gas stations, drive-through restaurants, billboards, outdoor facilities and storage areas on the narrow strip of land adjacent to the railroad. This property also provides a buffer to residential properties on Portsmouth Avenue.

2. At the intersection of Wasson Road, Isabella Avenue and Paxton Avenue; move the district boundary line separating CG-A from CC-P so that the district line running down the middle of Isabella extends and connects directly to the district line running down the rear of the business properties on Paxton Avenue south of the railroad.

This was suggested to prevent automobile oriented commercial development including vehicle sales and repair, car washes, gas stations, drive-through restaurants, and billboards on the southeast corner of the already-congested Wasson Road and Paxton Avenue. This property also provides a buffer to residential properties on Portsmouth Avenue.

3. On the north side of Paxton Avenue between Isabella Avenue and Mount Vernon Avenue, change the zoning from CC-A to CC-P.

This was suggested to prevent automobile oriented commercial development including vehicle sales and repair, car washes, gas stations, drive-through restaurants, and billboards from locating to this corner if the current businesses (Mio's, Taco Casa, Chipotle, and Master Cabinet) were to close.

4. On the north side of Paxton Avenue between Mount Vernon Avenue and Ferdinand Place, change the zoning of properties from OL to SF-4.

This was suggested because many of these properties are residential uses. The residential zoning would prevent further commercialization causing additional congestion on this busy street. The houses also provide a buffer to the residential property owners on Mt. Vernon Avenue and Ferdinand Place.

5. On the north side of Wasson between Monteith Avenue and Drake Road, change the zoning of two properties fronting Wasson from CN-P to OL.

This was suggested because both were zoned office before being reclassified under the new zoning code. Returning them to office zoning would prevent their conversion into retail stores or bars and causing additional traffic, parking and noise problems.

6. On the north side of Wasson Road between Drake Road and Drakewood Drive, change the zoning of the properties from CN-P to RMX.

This was suggested because these properties are mixed commercial and residential use. The CN-P zoning allows the current residential buildings to be razed and the construction of off street parking or a row of commercial buildings with parking in the rear abutting residential properties. Changing to residential zoning would prevent further commercialization of this block.

On July 12, 2005, the Hyde Park Neighborhood Council met to discuss these six recommendations. Many affected residential property owners were in attendance, and voiced no objections to these recommendations. The Board of Trustees voted unanimously to support all six recommendations. The letter of support is attached.

On July 25, 2005, the Oakley Community Council met to discuss these six recommendations. Many affected residential and commercial property owners were in attendance. This was considerable discussion about the impact of changing the CN-P, CC-A and OL zones without more thought and discussion. The Board of Trustees voted unanimously to support recommendations number one, two and five. The letter of support is attached. Many affected property owners stated a desire to continue a conversation about recommendations number three, five, and six, as well as the long-term land use goals of the entire Oakley neighborhood.

ANALYSIS OF THE PROPOSED CHANGE:

When analyzing each of the six recommendations, it was necessary to consider the existing uses in each district. While a wholesale change of all auto-oriented zones to pedestrian-oriented zones was desirable to surrounding residential property owners, it could cause undue hardship to many commercial property owners. In many cases, a change in zoning would cause a commercial property to become a non-conforming use. As this would potentially hinder existing businesses, it was stated at the onset of the study that every effort would be made to not negatively impact existing businesses.

This is not to say that community members who stated opinions about land use changes are wrong in doing so. All six suggestions were logically considered and presented. However, the changes recommended that would cause non-conforming uses are probably not appropriate for a zoning study, but are more effectively handled during a strategic planning process in which long-term land use decisions are being made.

Analyzing each recommendation separately:

1. Along Wasson Road between Paxton Avenue and Eastern Hills Lane, move the district boundary line from the south side of the railroad property to the street centerline of Wasson Road by changing the CG-A abutting the rear of the residential properties along the north side of Portsmouth to SF-6 and changing the ML abutting the rear of the residential properties along the north side of Portsmouth to SF-6 to the center of Wasson Road.

This property does provide a significant buffer to residential properties on Portsmouth Avenue. There is currently nothing developed on this property and it is greenspace. If the railroad property were to be abandoned and sold, the highest-intensity commercial use could be developed on property immediately adjacent to a single-family residential district. Also, the residential district was extended to the street centerline on Wasson Road west of the Wasson-Paxton intersection. Extending the zoning line to the street centerline at this location would be consistent.

2. At the intersection of Wasson Road, Isabella Avenue and Paxton Avenue; move the district boundary line separating CG-A from CC-P so that the district line running down the middle of Isabella extends and connects directly to the district line running down the rear of the business properties on Paxton Avenue south of the railroad.

Again, this property provides a buffer to residential properties on Portsmouth Avenue.

Additionally, an auto-oriented use at this intersection would exacerbate an already congested traffic area. Changing the zoning to CC-P would make it consistent with the other immediate corners in this location.

3. On the north side of Paxton Avenue between Isabella Avenue and Mount Vernon Avenue, change the zoning from CC-A to CC-P.

It is unclear how a change in this location at this time would impact existing businesses. This is an issue that requires further discussion with current property owners, and is probably more appropriate as a discussion as a part of a larger land-use strategy. However, it is logical to consider changing this corner to a more pedestrian-oriented zone to be consistent with the other corners.

4. On the north side of Paxton Avenue between Mount Vernon Avenue and Ferdinand Place, change the zoning of properties from OL to SF-4.

Residential zoning on these parcels would prevent further commercial development on Paxton Avenue, which is already a very busy street. The houses also provide a buffer to the residential property owners on Mt. Vernon Avenue and Ferdinand Place, who have felt the brunt of the recent growth along Paxton Avenue. This property was zoned as O-1, Suburban High-density Office district in the previous zoning code and some of the properties are used as office uses, which would create several non-conforming uses.

The property owner of the majority of these parcels has purchased these parcels at a higher price due to the office zoning. He has indicated to the Oakley Community Council that he would like to develop this property as an office use that would be sensitive to the neighborhood and acts as a good buffer between residential uses and the Hyde Park Plaza. It is possible that a well-done office development could act as a better buffer to the surrounding neighborhood than residential rental units, but significant discussions would need to take place between the developer and residential property owners to determine how this would take place. This is another issue that requires further discussion with all local property owners, and is probably more appropriate as a discussion as a part of a larger land-use strategy.

5. On the north side of Wasson between Monteith Avenue and Drake Road, change the zoning of two properties fronting Wasson from CN-P to OL.

Both parcels were zoned O-1A Suburban High-density Office before being rezoned as CN-P under the new zoning code. The two existing uses do have the characteristics of an Office zone more so than a Commercial zone. Returning them to office zoning would provide the residential community with additional protection from additional commercial development.

6. On the north side of Wasson Road between Drake Road and Drakewood Drive, change the zoning of the properties from CN-P to RMX.

There is a mixture of residential and commercial uses in this zone, and changing to residential zoning would prevent further commercialization of this block. However, a change to RMX would

create several non-conforming uses. This is an issue that requires further discussion with current property owners, and is probably more appropriate as a discussion as a part of a larger land-use strategy.

CONCLUSIONS:

1. **Recommended:** A change from CG-A and ML to SF-6 along the street centerline of Wasson Road between Paxton Avenue and Eastern Hills Lane would give additional protection to adjacent residential properties and would make the zoning on Wasson Road consistent.
2. **Recommended:** A change from CG-A to CC-P at the intersection of Wasson Road, Isabella Avenue and Paxton Avenue would discourage development that would create additional traffic congestion and would make the corner consistent with three others in the area.
3. **Not Recommended:** A change in the zoning from CC-A to CC-P on the north side of Paxton Avenue between Isabella Avenue and Mount Vernon Avenue, as it may negatively impact existing businesses and is a recommendation appropriate for a more comprehensive land-use strategy.
4. **Not Recommended:** A change in the zoning from OL to SF-4 on the north side of Paxton Avenue between Mount Vernon Avenue and Ferdinand Place, as it may negatively impact existing property owners and is a recommendation appropriate for a more comprehensive land-use strategy.
5. **Recommended:** A change from CN-P to OL of two properties fronting Wasson on the north side of Wasson between Monteith Avenue and Drake Road, as it is more consistent with the uses.
6. **Not Recommended:** A change in the zoning from CN-P to RMX on the north side of Wasson Road between Drake Road and Drakewood Drive, as it may negatively impact existing property owners and is a recommendation appropriate for a more comprehensive land-use strategy.

RECOMMENDATION:

The staff of the Department of Community Development and Planning recommends that the City Planning Commission take the following actions:

1. **Approve** the recommendation for a zone change from CG-A Commercial General-Auto and ML manufacturing Limited to SF-6 Residential Single Family District along the street centerline of Wasson Road between Paxton Avenue and Eastern Hills Lane, and,
2. **Approve** the recommendation for a zone change from CG-A Commercial General-Auto to CC-P Commercial Community-Pedestrian at the intersection of Wasson Road, Isabella Avenue and Paxton Avenue; and,
3. **Approve** the recommendation for a zone change from CN-P Commercial Neighborhood-Pedestrian to OL Office Limited of 2872 and 2874 Wasson, on the north side of Wasson between Monteith Avenue and Drake Road.

DISCUSSION

Mr. Tarbell had concerns about the affects the changes would have if any on the railroad along Wasson and Paxton. Dottie Carmen from the Law department had responded by stating that the railroad would not be affected.

Carl Uebelacker, representative of Hyde Park Neighborhood Council and nearby resident support staff recommendation and believes the recommendations are very important to the neighborhood. He

pointed out that railroad usage was permitted usage in the old zoning code. Under the new SF-6 zoning code does not include the railroad as a principal use.

He wanted to address the items the staff report did not recommend. He recommends that the CCA zoning at one corner be changed to a CCP. He believes that it is inaccurate to suggest the change would make it a nonconforming use. Mr. Paddock addressed a question to Mr. Uebelacker and staffs to explain what are the current uses the businesses are operating. Chipotle, Taco Casa and Mio Pizza are sit down restaurants under CCP. Staff stated that all of the businesses did not participate in the zoning study. The only business that participated is Master Cabinet and she has not discuss the issue with the other businesses and does not know the impact it would have on their business to make a zone change. In addition, any future business would probably have to build to the corner and may be jeopardize by a reconfiguration of the intersection. Staff felt that it may be a valid recommendation but not at this time. He felt that if at any time any of the businesses fall on hard times and fold; the community concern is that a Jiffy Lube, a car wash or an automotive center are permitted under a CCA zone and under a CCP they're not. He stated that the next area of concern was the north side of Paxton between Mt Vernon and Ferdinand has mostly residential homes and the owner is assembling property to change the homes to office use. He felt changing the residential homes to offices, which would make Paxton more a congested traffic nightmare. He recommends it stay residential. The CMP zone change at Wasson and Drakewood he said that the community council unofficially suggested an Office Limited Use.

Ely Ryder represented John Cody owner of six properties that he would like to change to office. Mr. Cody is concerned about architectural quality. He is willing to work with the community. He stated it was hard to rent property in neighborhood. He did not believe that the office use would create a traffic problem because all properties have curb cuts and there is off street parking. Mr. Tarbell was concern about an excess plan because he felt most likely, there would be a traffic increase. Mr. Cody has also considered an underground garage. He has discussed making a trade with CMHA for their property in the neighborhood with one of his property in a different area. Mr. Cody supports staff recommendation. Mr. Ryder reply to Ms. Hankner by saying that the third property from the corner belongs to CMHA.

Mr. Gary Wallenweber felt it was imperative that the Commission moved forward with the staff recommendation. He hoped that changes that were not recommendation by staff would be visited in the near future. He was troubled by the thought of an underground parking which he felt meant a five or six story structure in order to make it work and that would really be out of sequence in the neighborhood.

Ms. Cheryl Koopman supports change on Wasson Rd and concern about keeping in style with the neighborhood.

Mr. Jim Tenhundfeld had given a brief summary/statement of the Wasson Rd Neighborhood Association, which he is the president. They agree with the staff recommendation and also stated that the Commission should agree that when Mr. Cody develops his property he should work closely with the neighborhood community council. He stated that his main reason for being at the meeting is to make sure additional commercial development does not continue to occur on the north side of Wasson Rd. The Wasson Rd Neighborhood Association is requesting that the zone be changed from a CMP to an OL to provide protection from a commercial development.

Mr. Faux asked why the three properties on north side and Mr. Tenhundfeld said any more included in with the three would make it nonconforming.

Staff explains that it would not be feasible at this time because the issue has not been discussed with all the property owners. She stated that she had spoke with an owner who had contacted her before this meeting and assured him that there would not be a zone change in his area and he is not here. She

concluded that we do not know what owners may have for the future of their properties and there should be a comprehensive plan or study before changes are made. The three lots that the staff recommend for approval was a vacant lot and lots that are already being used as what has been recommended. There is a difference between a zone change and comprehensive plan; the comprehensive plan is more in depth contact with the community and owners. Staff said that unfortunately there is no neighborhood plan for Hyde Park/Oakley area that features the intersection there is no IDC that could slow down the process and take more time. .

Mr. Paddock had asked if there was a more comprehensive land study that it would have been more broader and could had looked at how it would have fit into the scheme and staff agreed.

Mr. Wallenweber responded by saying that using staff's logic then there should not be any changes made until there is a study, so why are we having a few specific changes when there is a need for all the changes in the area.

Ms. McCray had addressed Mr. Faux by saying here we are again doing zone changes without doing a comprehensive planning to support zone changes and here we are again in the same quandary ever since staff was directed by City Council and administration not to do neighborhood and comprehensive planning. Since people feel that neighbor planning is a worthy thing to do then they should let the people on the third floor know that Mr. Faux responded that if the argument is being made that we can not consider changes until we have gone through comprehensive plans, but in the meantime we cut the staff and adopted a policy to never do the plans. Ms. McCray replied that it is a horrible process and we should not compromise ourselves to be satisfied with that type of process on any consistent basis. .

Mr. Kelly Coudney lived in home for three years and would like to spend rest of his life in the neighborhood. He did not want to see neighborhood compromised and residents should have rights.

Ms. Michelle Grove in favor of six changes. She feels the properties should remain rental that Mr. Cody wants to change to office use.

Ms. Catherine Hackel concern about traffic, she has a young daughter.

Mr. George Dyer own two lots near Drakewood, one is being used as a parking lot for RP McMurphys and he was granted an easement.

The Commission was concerned about the three items that was not recommended by staff and wanted further discussion. Mr. Tarbell said that he supports the staff recommendation but would like the Commission to have staff expedite a comprehensive plan for the neighborhood on those three items. He also commented further on Ms. McCray's statement concerning the decisions made by City Council regarding the Planning Dept. Mr. Tarbell said that he could not speak for all members of City Council but for some members of council it was a matter of approving a budget, and not necessarily a policy statement about the Planning Department. He did not want to put words in people's mouth but he felt that they did not understand the implications of their decision and hopes that in the near future it would be revisited by City Council at least by the first Wednesday in November. He felt that there was justification for a broader bass neighborhood plan and the focused of the Planning Commission here is that there are conditions here that are quite compelling to do a study immediately.

Mr. Faux noted that because of the decrease in Planning staff or capacity, to do a neighborhood plan at this time.

Ms. Wuerstle, Chief Planner had pointed out that if it was decided to do a neighborhood plan at this time it could not be done until sometime next year in March 2006. She informed the Commission that staff is working on 9 new TIF District and a lot of staff's work is put on hold.

The CPC noted that they are in strong opposition of buildings being torn down for parking.

Motion: Ms. Hankner moved approval of staff recommendation
Second: Ms. Holston
Ayes: Mr. Faux, Ms. Hankner, Ms. Holston, Mr. Paddock and Mr. Tarbell
Nays: Ms. McCray, **motion carried**

Motion: Ms. Hankner moved approval of staff recommendation (1-3)
Second: Mr. Tarbell
Ayes: Mr. Faux, Ms. Hankner, Ms. Holston, Mr. Paddock and Mr. Tarbell
Nays: Ms. McCray, **motion carried**

Motion: Mr. Tarbel motioned to hold items (4-6) of staff recommendation
Second: Ms. Holston
Ayes: Mr. Faux, Ms. Hankner, Ms. Holston, Mr. Paddock and Mr. Tarbell
Nays: Ms. McCray, **motion carried**

ITEM #7 A report and recommendation on a proposed zone change from SF4-Residential Single Family District to PD Planned Development District at 1510 California Avenue (Bond Hill School) and 1501 Elizabeth Place (Bond Hill Community Center) in Bond Hill.

Katherine Keough-Jurs, Senior City Planner, presented this item.

Purpose: To construct the new Bond Hill Elementary School on the same site as the Bond Hill Community Center.

BACKGROUND AND EXISTING CONDITIONS:

Cincinnati Public Schools (CPS) is in the process of implementing a 10-year \$1 billion Facilities Master Plan that aims to renovate or newly construct approximately 60 schools in the district. At the Bond Hill School site, the existing school will be demolished and a new school will be built in its place.

The school is located on a site that takes up the entire block bounded by California Avenue to the south, Matlock Avenue to the west, and Elizabeth Place to the north, and Keen Avenue to the east. This site is surrounded entirely by residential uses, specifically SF-4, SF-6, and RMX zones. The Bond Hill School currently shares this site with the Bond Hill Community Center, which is owned and operated by Cincinnati Recreation Commission (CRC) on CPS-owned property. The two existing structures are physically connected. On the existing site, there is insufficient classroom space and outdoor recreation space for the school and a lack of parking for both the school and Community Center.

The new Bond Hill School will house 450 students in grades Kindergarten – 8th grade, and will be slightly larger than the old one, which will allow CPS to remove the modular units currently housed onsite. The new building will be built approximately 12 feet to the south of the old school, allowing for a playground space located between the school and the Community Center. The new school will also house a gymnasium, a multi-purpose room/cafeteria, a community room, a computer lab, a media center, and classroom space configured in the new “pod” arrangement. The newly configured parking area will provide 76 parking spaces for use by the school and the Community Center.

As CPS has made it a district-wide goal to promote schools as “community learning centers”, the Bond Hill School has also been designed with the surrounding neighborhood in mind. Common areas such as the gymnasium, the cafetorium, the computer lab and the community room are proposed to be open for use by the neighborhood during non-school hours. For this reason, these uses are conveniently located near the parking lot and the existing Community Center.

The Department of Buildings and Inspections has required CPS to apply for the Planned Development (PD) District zoning because the two structures will no longer be physically connected, thereby creating a situation where two different uses co-exist on one site.

BASIC REQUIREMENTS OF A PLANNED DEVELOPMENT DISTRICT:

According to Section 1429-05 of the Cincinnati Zoning Code, a PD District and development within a PD District must comply with the following:

- (a) *Minimum Area* – The minimum area of a PD must be two contiguous acres. The site of the Bond Hill School is approximately 4.25 acres.
- (b) *Ownership* – Cincinnati Public Schools (CPS) currently owns all property.
- (c) *Multiple buildings on a lot* – more than one building is allowed on a lot. There will be two buildings on this site as the new school will be separate from the Community Center.
- (d) *Historic Landmarks and Districts* – the site is not in a historic district nor does it contain a historic landmark.
- (e) *Hillside Overlay Districts* – the site is not located in a Hillside Overlay District.
- (f) *Urban Design Overlay District* – the site is not located within an Urban Design Overlay District.

CONCEPT PLAN AND DEVELOPMENT PROGRAM STATEMENT:

According to Section 1429-09 of the Cincinnati Zoning Code, a petition to rezone a property to PD must include a concept plan and development program statement. The purpose is to describe the proposed use or uses to be conducted in the PD District. The concept plan must include text or diagrams that specify:

- (a) *Plan Elements* – the applicant has submitted a survey of the site, including a metes and bounds description and has included sufficient information regarding proposed land uses, building location, streets and driveways, building set back lines building heights, and open space (please see attached site plan).
- (b) *Ownership* – the applicant owns all property.
- (c) *Schedule* – Construction is scheduled to begin in the spring of 2006 and is predicted to take approximately 18 months. The goal is to have the school open by fall 2007.
- (d) *Preliminary Reviews* – All utilities are available to the site and at adequate capacities. CPS has been coordinating the infrastructure design with MSD, GCWW and other City departments including the Department of Transportation and Engineering (DOTE) and the Cincinnati Recreation Commission (CRC). To ensure that all proposed infrastructure was sufficient, Planning Staff circulated a copy of the concept plan to these City departments and will circulate the final development plan upon submission.
- (e) *Density and Open Space* – the site plan shows the location of all open space. The open space is approximately 1.09 acres in size, which is about 25% of the total site acreage.
- (f) *Other Information* – Insufficient parking has been a concern of both the school staff and CRC. Current parking provides 31 spaces for the Community Center and 14 spaces for the

school, for a total of 45 spaces. The concept plan shows the number of parking spaces increasing to 55 spaces for the school, for a total of 76 spaces on the site.

PLANS:

There are no Plans that encompass or make reference to this property. PUBLIC COMMENT:

A public Staff Conference was held on July 8, 2005. The notes of that meeting are attached. At the Staff Conference, many in attendance voiced concern that the notification and attached map were very confusing. They were concerned that the proposal was to change the zoning on all SF-4 property in the area to a PD district. Staff and representatives from the School's architect assured those in attendance that the only property proposed for rezoning was that owned by CPS at 1510 California Avenue (the site of the Bond Hill School) and 1501 Elizabeth Place (the site of the Bond Hill Community Center). Staff further assured those in attendance that the proposal would not change the zoning for any other surrounding properties.

At the request of the residents in attendance, Staff also sent a letter to all property owners notified of the Staff Conference. The letter explained that there was no proposal to change the zoning for any other surrounding properties and included a new map showing the property more clearly. The Bond Hill principal, also in attendance at the Staff Conference, informed those in attendance that the school would hold a neighborhood meeting later in the summer to show more renderings and to further discuss the features of the new school.

CITY PLANNING COMMISSION ACTION:

According to Section 1429-11(a) of the Cincinnati Zoning Code, City Planning Commission may recommend approval or conditional approval, with restrictions on the establishment of a PD District on finding that all of the following circumstances apply:

1. The PD concept plan and development program statement are consistent with applicable plans and policies and is compatible with surrounding development;

The new Bond Hill School is to be located on the same site as the existing Bond Hill School. The school and Community Center are appropriate uses in a residential district. Although there are no applicable community plans for the area, the school is compatible with the Cincinnati Public Schools Facilities Master Plan.

2. The PD concept plan and development program statement enhance the potential for superior urban design in comparison with the development under the base district regulations that would apply if the plan were not approved;

The new Bond Hill School has been designed by a group of community members making up the School Design Team. The design includes improvements to the site such as additional parking and a large, interior play area. The concept of schools as "community learning centers" will be used in this school, allowing community members to use the public areas of the school after hours. These factors have greatly influenced the design of the school.

3. Deviations from the base district regulations applicable to the property at the time of the PD application are justified by compensating benefits of the PD concept plan and development program statement; and

A school is a conditional use in the SF-4 district, although what has required the change to a PD zone is the fact that two differing uses will share the same site. This is because the building is being newly constructed in a slightly different location and the two buildings will no longer be connected.

4. The PD concept plan and development program statement includes adequate provisions for utility services, refuse collection, open space, landscaping, buffering, pedestrian circulation, traffic circulation, building design and building location.

All aspects are covered in the concept plan as submitted. This issue is also addressed above.

FINAL DEVELOPMENT PLAN:

Pursuant to Section 1429-13 *Final Development Plan*, a final development plan and program statement would be submitted to City Planning Commission after approval of the concept plan and Planned Development (PD) designation by City Council.

A final development plan must be filed for any portion of an approved concept plan that the applicant wishes to develop and this plan must conform substantially to the approved concept plan and development program statement. The final development plan requirements anticipate changes from the concept plan by requiring significantly more detail. Approval of the final development plan would allow the developer to obtain building permits. The process allows the City Planning Commission to authorize Staff to approve minor amendments that might become necessary and outlines the process for major amendments that must be reviewed and approved.

CONCLUSIONS:

7. The re-zoning of 1510 California Avenue (Bond Hill School) and 1501 Elizabeth Place (Bond Hill Community Center) to Planned Development is necessary for construction of the new Bond Hill School.
8. The applicant, Cincinnati Public Schools (CPS), has submitted a satisfactory concept plan and development program statement and has successfully met all basic requirements of the Planned Development District.

RECOMMENDATION:

The staff of the Department of Community Development and Planning recommends that the City Planning Commission take the following action:

1. **Accept** the concept plan for the proposed Bond Hill School; and
2. **Approve** the zone change from SF-6 Residential Single Family District to PD Planned Development District at 1510 California Avenue (Bond Hill School) and 1501 Elizabeth Place (Bond Hill Community Center) in Bond Hill.

DISCUSSION

Ms. Holton stated that she is pleased that the school would be a community-learning center. She had ask how are the neighbors surrounding the school contacted to get their input regarding the plans and staff stated the same procedure that is done for a zone change is used. All property owners within a 400 ft are contacted.

Mr. Paddock had inquired whether the basic proposal was before the City Council or committee recenting and staff replied no it was not.

Mr. Tarbell stated that as a matter of principal he could not support the staff recommendation. Ms. Hankner responded by saying as a matter of astatics she would have to agree with him, but don't know where the Commission could have an impact. He has toured the school and he feels it is an extraordinary facility. He felt the decision that it does not apply to state standards are the worse decision ever made. He feels that the quality of the school could never be replaced no matter what is done.

Mr. George Gerard lives across from the school. He pointed out to the Commission is that what they do not see is the buildings that children have to leave the main building and go back and forth to that are not a good design. He asked if you keep the old building where are you going to put the students in the building. He believes that there is no insulation in the building and it probably cost a huge amount of money to keep the building warm in the winter. Mr. Gerard is in favor of the staff recommendation and asked that the Commission vote approval.

Motion:	Ms. McCray motioned approval of staff recommendation.
Second:	Ms. Holston
Ayes:	Mr. Faux, Ms. Hankner, Ms. Holston, Ms. McCray and Mr. Paddock
Nays:	Mr. Tarbell motion carried

ITEM #8 A report and recommendation on a proposed zone change from SF-6 – Residential Single Family District to OL Office Limited District at 6240 Alpha Street in Madisonville.

Katherine Keough-Jurs, Senior City Planner, presented this item.

Purpose: Expansion of a Day Care Learning Center.

BACKGROUND:

The property owner, Ms. Pamela Goss, currently operates a children's Day Care in her home. This use, called a "Child Day Care Home" in the Cincinnati Zoning Code, is defined as an establishment located in a dwelling unit where an occupant of the residence provides care and supervision for six or fewer children. It is a permitted use in the SF-6 Single Family Residential District.

The site is located at the intersection of Alpha Street and Weltner Street in Madisonville. The property is located near other residential zones, specifically the SF-4 Single Family Residential District and RM 2.0 Residential Multi-Family District. Prior to the February 2004 City-wide rezoning, the property was zoned R-2, Single Family Medium Density. Day Care Centers were not allowed in the R-2 zone as either a permitted or a conditional use.

Ms. Goss wishes to put an addition on her house in order to expand her business to allow for more than seven children. In the Cincinnati Zoning Code, this is called a “Day Care Center,” and is defined as an establishment licensed by the State of Ohio providing care and supervision for seven or more persons on a less than 24-hour basis. This classification includes nursery schools, preschools, day care centers for children or adults and any other day care facility licensed by the State of Ohio. This use is not permitted in the SF-6 Single Family Residential District. The least intensive zone that permits Day Care Centers is the OL Office Limited District, and therefore it is the requested zone.

PLANS:

City Planning Commission and City Council adopted the Madisonville NBD Urban Renewal Plan in 2002. The property in question is not located within the boundaries of the Urban Renewal Plan. However, the Plan states a concern that the NBD is too large and there are many vacancies. One of the Plan’s recommendations was to condense the business area and concentrate development in the core NBD. One strategy for doing this was to explore changing the business zone to a residential zone on Whetsel Avenue north of Sierra Street or Desmond Street. By systematically returning this area to residential uses, it would also provide the opportunity for more housing construction.

ANALYSIS OF PROPOSED CHANGE:

The property at 6240 Alpha Street is not immediately adjacent to an OL Office Limited District or any other zone that permits Day Care Centers, but is surrounded entirely by Residential districts. To change the zoning on only this property would result in spot zoning - when property held by a single owner is rezoned to permit land uses not available to the adjacent properties. Spot zoning, if put into place, could also allow for the encroachment of higher-intensity uses. For this reason, spot zoning is widely regarded as an irresponsible planning practice and not allowable. Spot zoning in this instance would also set a precedent for similar changes in all neighborhoods in Cincinnati.

The property in question is not located within the Madisonville NBD Urban Renewal Plan boundary, but because a commercial use is proposed it is necessary to review this request in light of those recommendations. The Urban Renewal Plan states a desire to condense the NBD and encourage more residential uses surrounding. As a change of zoning at this location would result in a commercial use outside of the business district in a solidly residential area, it could be argued that this change is in direct conflict with the recommendations of the Urban Renewal Plan.

The Urban Renewal Plan also has an objective to “Encourage growth that provides services and development patterns sensitive to the community.” Without a doubt, an expanded Day Care Center would provide the Madisonville community with a needed service. However, a change to an OL Office Limited zone in this location would not be sensitive to the surrounding community as it could produce more traffic and a potential encroachment of commercial uses into an entirely residential area.

PUBLIC COMMENT:

A Staff Conference was held on June 29, 2005. Some in attendance were in favor of the zone change while others were not in favor or had questions. Notes from the Staff Conference are attached. Prior to the Staff Conference, the Madisonville Community Council voted to support Ms. Goss in her endeavors to expand her business. As it was not clear whether that was a vote in favor of the zone change itself, the Madisonville Community Council discussed this zone change a second time at their July 21, 2005 meeting. At that meeting, the Community Council voted 12-9 in support of the zone change.

Conclusions:

9. A Day Care Center would provide the Madisonville community with an essential service.
10. The Madisonville Community Council is in support of the zone change.

11. The area in which the Center is proposed is entirely residential.
12. A rezoning of the SF-6 zone to an OL would result in spot zoning, which is not allowed and would set a potentially detrimental precedent.
13. The request is not consistent with the community's goals of strengthening the NBD.
14. A change of zoning at this location would not be sensitive to the surrounding residential community as it could create additional traffic and future encroachment of commercial uses.

Recommendation:

The staff of the Department of Community Development and Planning recommends that City Planning Commission take the following action:

Deny the request for a change of zoning from SF-6 Residential Single Family District to OL Office Limited at 6240 Alpha Street in Madisonville.

DISCUSSION

The Planning Commission wanted very much to find away to appease Ms. Pamela Goss who is in favor of a zone change from SF-6 Residential Single Family District to OL Office Limited at 6240 Alpha Street in Madisonville. She is requesting the zone change for her daycare business to increase from six children to 12 children per shift. She indicated that Madisonville is in need of daycare providers. Her street is a dead-end street one way in and one way out. It has been rezoned several times, the back of her property is in Columbia Township. She has lived in Madisonville for 51 years, and has provided daycare for families in the area for 10 years. Her family lives in the neighborhood and she has no intension of moving.

The Commission had pointed out that they could not approve spot zoning. Ms. Cathy Garrison, President of Community Council affirmed that community council did approve of the zoning and do support Ms. Goss in her endeavor. She pointed out that it is in the NRSA plan to address daycare in Madisonville. Ms. Sue Doucheff former president of Oakley Community Council attended the meeting and affirms the vote. Ms. Goss pointed out that there are several daycares near her that were granted spot zoning before the changes to zoning were made. Ms. Goss had at one time six children per shift and had no problems with traffic.

Ms. McCray felt that zoning one property to OL is not the solution.

Ms. Wuestle suggested a Notwithstanding Ordinance and Mr. Tarbell can make the recommendation at council

The Commission clarified to Ms. Goss the actions that they are suggesting is in support of what she wants established so her business can go forward.

Mr. Tarbell suggested that Ms. Goss keep in touch with Ms. Holston and Community Council and informed Ms. Goss that the ordinance would be on the council agenda the first Wednesday in September.

Motion:	Ms. Hankner motioned to accept staff recommendation to deny the zone change and council consider a Notwithstanding Ordinance (Type A)
Second:	Ms. Holston
Ayes:	Mr. Faux, Ms. Hankner, Ms. Holston, Ms. McCray and Mr. Paddock and Mr. Tarbell
Nays:	None, motion carried

OTHER BUSINESS

ITEM #9 The Banks project packet of information.

Ms. Wuerstle had informed the Commission that next Tuesday at 9:00am at 805 Central Avenue there would be a zone change conference. Mr. Paddock stated that other organizations need to be notified and they are CIC, 3CDC and the Port Authority.

ADJOURN